REMARKS

Claims 1, 5-6, 13, 14, 17, 27 and 57-62 are pending in the application. Claims 27 and 57-62 have been withdrawn from further consideration as being drawn to a non-elected invention. Claims 1-6, 13, 14 and 17 have been examined on the merits. Support for the amendments to claim 1 can be found in the claims as originally presented.

Rejection Under 35 U.S.C. §112: First Paragraph (Written Description)

Claims 5 and 6 have been rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested. The amended claim 5 recites a particular sequence of amino acids. Claim 6 has been canceled. Accordingly, this rejection has been overcome.

Rejection Under 35 USC § 102(e) Over Bamdad '199 (US 2003/0036199)

Claims 1, 4-6, 13, 14 and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Bamdad '199. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The present application is a 371 application of PCT/US2005/032821, which in turn claims priority to U.S. Application No. 09/996,069, which is the application number for the cited Bamdad '199 patent application publication. The first page of the PCT/US2005/032821 (WO2005/019269) publication is attached for the Examiner's review. Therefore, Bamdad '199 is not citable against the present application.

Rejection Under 35 USC § 102(e) Over Kufe et al. '685 (WO 02/22685)

Claims 1, 4-6, 13, 14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kufe et al. '685. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Kufe discloses making an antibody against the MUC1/ECD region, which roughly corresponds to PSMGFR sequence of the present invention. However, Kufe fails to understand the vast activity difference in effect between monovalent and bivalent MGFR specific antibody. Kufe fails to disclose the actual making of a monovalent antibody nor the motivation to create such a mono-valent antibody. Therefore, Kufe fails to provide an enabling disclosure of a mono-valent antibody.

Kufe discloses that the antibody against the MUC1/ECD region should result in continued proliferation of cancer cells expressing MUC1 as seen in Figs. 1 and 2. Kufe never specifies whether the bivalent or monovalent antibody should be used. In fact, all of the antibodies that Kufe discloses and exemplifies are bivalent antibodies. Kufe discloses usage of its disclosed antibodies for "stimulating" growth of cancer cells only. Kufe discloses that all antibodies against MUC1/ECD region, regardless of whether they are bivalent or monovalent would act as stimulators of cell growth. Kufe fails to provide any distinctive effects between a bivalent antibody and the growth inhibiting effects of the monovalent antibody. Kufe simply fails to appreciate the effects of the monovalent antibody. Thus, Kufe fails to provide any motivation to make any monovalent antibody against MGFR.

Rejection Under 35 USC § 102(e) Over Wreschner et al. '324 (US 2005/0019324)

Claims 1, 4-6, 13 and 14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Wreschner et al. '324. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Wreschner'324 discloses antibody made against a region on MUC1 as follows:

> **[0043]** The term "epitope" refers to the particular part of the antigen makes contact with a particular antibody. According to an embodiment of the invention, the epitope length is 4-12 amino acids. In another embodiment the epitope length is 5-10 amino acids, in yet another embodiment the epitope length is 6-8 amino acids. The epitope sequence is included within the 59 amino acid sequence as set forth in SEQ ID No. 1 and below:
>
> (N-terminus) **SVV VQLTLAFREG TINVEDVETQ FNQYKTEAAS**
>
> **RYNLTISDVS VSDVPFPFSA QSGAGV** (C-terminus)
>
> **[0044]** In another embodiment the epitope is located in the 15 amino acid sequence that resides at the N-terminal portion of the 59 amino acid segment which is located directly N-terminal to the transmembrane domain of the MUC1/Y, MUC1/X and MUC1/REP proteins. The epitope is located in the extracellular region of the transmembrane isoform of the MUC1/Y, MUC1/X and MUC1/REP proteins.

Wreschner '324 discloses that its antibody was preferably made against the sequence located in the 15 amino acid sequence that resides at the N-terminal portion of the 59 amnio acid segment. This 15 amino acid sequence includes SVVVQLTLAFREGTI. However, only the final "GTI" overlaps with the PSMGFR sequence of the claimed invention. Accordingly, it is believed that the Wreschner'324 antibody lies outside the scope of the antibody of the claimed invention.

Rejection Under 35 U.S.C. §103(a) Over Kufe et al. '685 (WO 02/22685) In View Of Bamdad et al. '199 (US 2003/0036199)

Claims 1 and 17 have been rejected under 35 U.S.C. §103(a) as being "obvious" over Kufe et al. '685 in view of Bamdad et al. '199. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested. The amended claim 1

includes the limitations of claim 4. It is recognized that claim 4 was not rejected under this section. Therefore, it is believed that this rejection has been overcome.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR § 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

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